

Attorney's Docket No.: 087522-785-329

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jay R. Machael et al..  
Serial No.: 10/748,537  
Filed: December 30, 2003  
For: Horizontally Adjustable Chair Armrest  
Confirmation No.: 8563

COMPLETION OF FILING REQUIREMENTS

MAIL STOP MISSING PARTS

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: Application Division

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed August 9, 2004.
- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is a petition under 37 C.F.R. § 1.47(b) requesting the filing of the above application on behalf of the two co-inventors who refuse to sign the declaration for this application.

OR

- ☐ The declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

11/02/2004 WASFAW1 00000053 10748537

02 FC:1251

110.00 0P

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service via First Class Mail on the date indicated below and is addressed to the Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.  
Date: October 27, 2004

☐ transmitted by facsimile to the Patent and Trademark Office

Signature

Jacqueline C. Dowdell

(type or print name of person certifying)

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ A Statement by a registered attorney that the application filed in the PTO is the application which the inventors would have executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

**AMENDMENT CANCELLING CLAIMS**

- III. ☐ Cancel claims \_\_\_\_\_ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

IV.

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

**SMALL ENTITY STATUS**

V. Applicant claims small entity status

- ☐ A verified statement that this filing is by a small entity
- (check and complete applicable items)
- ☐ is attached
- ☐ A separate refund request accompanies this paper.
- ☐ was filed on \_\_\_\_\_ (original)

## COMPLETION FEES

### VI.

**WARNING:** *Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).*

#### 1. Filing fee

☐ original patent application (37 CFR 1.16(a)—\$730.00; small entity—\$365.00) \$\_\_\_\_

☐ design application (37 CFR 1.16(f)—\$300.00; small entity—\$150.00) \$

#### 2. Fees for claims

☐ each independent claim in excess of 3 (37 CFR 1.16(b)—\$76.00; small entity—\$38.00) \$\_\_\_\_

☐ each claim in excess of 20 (37 CFR 1.16(c)—\$22.00; small entity—\$11.00) \$

☐ multiple independent claim(s) (37 CFR 1.16(d)—\$240.00; small entity—\$120.00) \$

\$\_\_\_\_

#### 3. Surcharge fees

☐ late payment of filing fee

and/or

☒ late filing of original declaration or oath (37 CFR 1.16(e)—\$130.00; small entity—\$65.00); \$130.00

4. ☐ Petition and fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17(h) and 1.47—\$130.00) \$

5. ☐ Fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d)—\$130.00) \$

6. ☐ Fee for processing and retention of application (37 CFR 1.21(l) and 1.53(d)—\$300.00) \$\_\_\_\_

Total completion fees \$130.00

## EXTENSION OF TIME

VII.

(complete (a) or (b as applicable))

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- (a) Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$ 1,440.00	\$ 720.00

Fee \$110.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s)	\$130.00
Extension fee (if any)	\$110.00

TOTAL FEE DUE \$240.00

## PAYMENT OF FEES

IX.

- ☒ Enclosed is a check in the amount of \$240.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_
- A duplicate of this request is attached.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

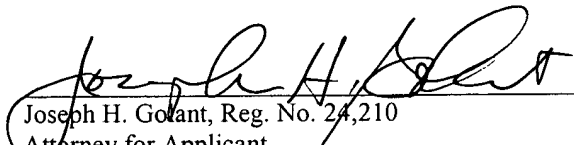
**WARNING:** *Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.*

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 10-1202.
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
  - ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
  - ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
  - ☒ 37 CFR 1.17 (application processing fees)

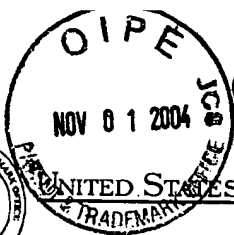
**WARNING:** *While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.1367(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).*

- ☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b))

Respectfully submitted,

  
Joseph H. Gorant, Reg. No. 24,210  
Attorney for Applicant  
Jones Day  
Suite 3500  
77 West Wacker Drive  
Chicago, Illinois 60601-1692  
Tel. No.: (312) 782-3939

Date: October 27, 2004



IFW ✓

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/748,537	12/30/2003	Jay R. Machael	087522-785-329

28104  
JONES DAY  
77 WEST WACKER  
CHICAGO, IL 60601-1692

CONFIRMATION NO. 8563

FORMALITIES LETTER



\*OC000000013481048\*

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 9, 10, 12, 13.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

11/02/2004 WASFAW1 00000053 10748537

01 FC:1051

130.00 OP

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE